

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

THOMAS PAUL LEBON,)
)
)
Plaintiff,)
)
)
v.) No. 4:13-CV-256-TIA
)
)
ST. LOUIS METRO POLICE DEPT.,)
et al.,)
)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court upon review of the amended complaint [Doc. #6].

The Court believes that, although plaintiff may be able to assert a claim against defendant Thomas Scanlon based on the denial of plaintiff's Constitutional rights, plaintiff has failed to state a claim upon which relief may be granted at this time, because the amended complaint is silent as to whether he is suing Scanlon in his official and/or individual capacity.

Taking into consideration the fact that plaintiff is proceeding pro se and in forma pauperis, the Court will instruct him to file a written supplement to his amended complaint, in which he simply states the capacity (i.e., official capacity, individual

capacity, or both individual and official capacities) in which he is suing defendant Thomas Scanlon. Plaintiff is advised that he must sign the supplement to the complaint.

In accordance with the foregoing,

IT IS HEREBY ORDERED that the Clerk shall not issue process or cause process to issue upon the amended complaint at this time.

IT IS FURTHER ORDERED that plaintiff shall file a written supplement to his amended complaint within thirty (30) days from the date of this Order, stating whether he is suing defendant Thomas Scanlon in his official capacity, his individual capacity, or both his official and individual capacities, in accordance with the specific instructions set forth above.

IT IS FURTHER ORDERED that plaintiff's failure to supplement his amended complaint in accordance with this Court's instructions will result in the dismissal of this action, without prejudice and without further notice to him.

Dated this 24th day of June, 2013.

/s/ Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE